

ZA/SDD:SK
F. #2015R01313

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

15M 8867

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UNITED STATES OF AMERICA

- against -

ALI SALEH,

Defendant.

TO BE FILED UNDER SEAL

COMPLAINT AND
AFFIDAVIT IN
SUPPORT OF
APPLICATION FOR
ARREST WARRANT

(18 U.S.C. § 2339B(a)(1))

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EASTERN DISTRICT OF NEW YORK, SS:

BRET C. LUHMANN, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

In or about and between September 2014 and August 2015, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ALI SALEH did knowingly and willfully attempt to provide material support and resources, as defined in 18 U.S.C. § 2339A(b), including personnel (himself), to a foreign terrorist organization, to wit: Islamic State of Iraq and the Levant.

(Title 18, United States Code, Section 2339B(a)(1))

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been assigned to the New York Joint Terrorism Task Force ("JTTF") for approximately four years. As a Special Agent, I have investigated numerous matters during the course of which I have conducted physical surveillance, interviewed witnesses, executed court-authorized search warrants and used other investigative techniques to secure relevant information. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file; and from reports of other law enforcement officers involved in the investigation.

2. The defendant ALI SALEH is a 22-year old citizen of the United States who currently resides in Queens, New York.

A. ISIL

3. ISIL is a foreign terrorist organization that, since 2013, has claimed credit for numerous terrorist activities, including seizing Mosul, a city in northern Iraq, and launching rocket attacks on eastern Lebanon in March 2014. These terrorist activities are part of ISIL's broader goal of forming an Islamic state or "caliphate" in Iraq and Syria. On October 15, 2004, the United States Secretary of State designated al-Qaeda in Iraq, then known as Jam'at al Tawhid wa'al-Jihad, as a Foreign Terrorist Organization ("FTO") under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist under section

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

1(b) of Executive Order 13224. On May 15, 2014, the Secretary of State amended the designation of al-Qaeda in Iraq as an FTO under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist under section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant (“ISIL”) as its primary name. The Secretary also added the following aliases to the ISIL listing: the Islamic State of Iraq and al-Sham (“ISIS”), the Islamic State of Iraq and Syria (“ISIS”), ad-Dawla al-Islamiyya fi al-‘Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furqan Establishment for Media Production. Although the group has never called itself “al-Qaeda in Iraq,” this name has frequently been used to describe it through its history. In an audio recording publicly released on June 29, 2014, ISIL announced a formal change of its name to Islamic State (“IS”). To date, ISIL remains a designated FTO.

B. SALEH’s Support of ISIL and Attempts to Travel to Join ISIL

4. Between mid-2013 and the present, SALEH has used Twitter accounts to indicate his support of ISIL and express his intent to join ISIL. During the same time period, he has made multiple attempts to travel to the Middle East to join ISIL.

5. A review of airline reservation records revealed that in 2014, SALEH had reservations to travel on Ukraine Airlines from John F. Kennedy International Airport in Queens, New York (“JFK”) to Kiev, Ukraine, and then on to Istanbul Ataturk Airport in Istanbul, Turkey. Based on my knowledge, training, and experience, Turkey is a common transit point to obtain entry into Syria. Many citizens of Western countries who have travelled from the United States and Europe to join ISIL in Syria have followed the route of entering Turkey legally and then being smuggled by facilitators across the border into Syria. The

reservation was made on August 28, 2014, for a flight departing approximately ten days later, on September 12, 2014.

6. A review of records obtained from Twitter revealed that, in or around the same time frame, an individual with Twitter username “@alisaleh1292” (“Twitter Account A”) posted the following messages:

a. On August 25, 2014, a few days before the reservation was made, Twitter Account A re-posted (or “retweeted”) the following message originally posted by another user: “I’m ready to die for the Caliphate,² prison is nothing.”

b. On August 28, 2014, on the day SALEH’s flight reservation was made, Twitter Account A retweeted the following message: “Lets be clear the Muslims in the khilafah³ need help, the one who is capable to go over and help the Muslims must go and help.”

7. Records obtained from Twitter revealed that Twitter Account A was registered using the email address “ali921812@hotmail.com.” In an interview with law enforcement agents on July 24, 2015, SALEH stated, in sum and substance and in part, that he often used a combination of his name and birthdate as a username. A search of law enforcement databases revealed that SALEH’s date of birth was December 18, 1992. This email address appears to be a combination of SALEH’s first name and his birthdate, written as year-day-month.

² Based on my training and experience, I am aware that ISIL members and supporters often used the term the “Caliphate” to refer to ISIL, given its stated goal of establishing -- and claims to have already established -- an Islamic caliphate in Iraq and Syria.

³ The Arabic term “khilafah” means caliphate, and is understood in this context to be a reference to ISIL’s caliphate.

8. A review of airline reservation records revealed that SALEH did not board the flight he had booked to Turkey.

9. In an interview with law enforcement agents on August 2, 2015, further described below, SALEH stated, in sum and substance and in part, that: approximately two years earlier (in 2013), he became interested in the conflict in Syria and interested in ISIL; he became interested in ISIL because they were having the most success against the regime of Bashar al-Assad currently governing Syria and because they would eventually establish a caliphate; he previously mentally swore “bayat” (an oath of allegiance) to ISIL; he felt compelled to make “hijra” (the Arabic term for “migration”) to Syria; approximately one year ago (in 2014), he booked air travel from New York to Istanbul, Turkey via Ukraine with the intention of traveling by land from Turkey to Syria to fight for ISIL; and he ultimately did not travel at that time because his parents took away his passport.

10. A review of records obtained from Twitter revealed that, in October 2014, Twitter Account A engaged in the following communications with an unidentified coconspirator (“CC-1”):

CC-1: Tell me why u don't make hidjra!?

A: I want 2\nBut I don't have a passport\nInshallah if I get my passport I will go 2 Sham [Syria] but if I can't \nI will go to Yemen \nMy home town

A: Akhi [my brother] if it's too dangerous to risk it save it for another time \nDon't jump into the river when it's roaring \nU have a family to worry about

CC-1: Ar you married ya akhi?

A: No not yet

CC-1: How old ar u?

A: 22

CC-1: Okee

. . .

A: Ameen \nWallahi [by God] I want to go to Syria but I think it might be easier 4 me to go to Yemen wallahua3lam

CC-1: Why?

A: They are very strict in Darul kufr [the land of the infidels, i.e., the United States]

A: And my family was born in Yemen

A: If there's a chance to go from Yemen inshallah it will take it

CC-1: Can u go to yeman easly?

A: Yes I have been 2 Yemen before my family is from there

CC-1: Oki AlhamdoulilAh, may Allah subhanawata'la Make it easy for u

11. A review of publicly-available information on Twitter revealed that an individual with Twitter username “@Hijra_s” (“Twitter Account B”) posted messages supportive of ISIL and expressing an intent to join ISIL. For example:

a. On June 10, 2015, Twitter Account B posted the following message (or “tweet”): “If i die before hijra my final will and testament is to be buried in sham inshallah khilafah will have spread by then.” I have consulted with an Arabic linguist and determined that “hijra” is an Arabic word meaning “migration”; “sham” is the Arabic name for “Syria”; “inshallah” is Arabic for “God willing”; and “khilafah” is the Arabic word for

“caliphate.” Based on my knowledge, training, and experience, and consultation with other law enforcement officers who investigate terrorism crimes relating to Islamic extremism, my interpretation of this posting is that the author was expressing his desire that, in the event that he dies before making the journey to join ISIL (“If i die before hijra”), his final wish would be to be buried in Syria (“my final will and testament is to be buried in sham”) and he is hopeful that the caliphate will have expanded by that time (“inshallah khilafah will have spread by then”).

b. On June 10, 2015, Twitter Account B retweeted the following message: “Promises of Allah of things to come: Defeat of occupying Jews”; “Conquest of Rome”; “Conquest of the White House”; “Domination of the world by Islam.”

c. On June 16, 2015, Twitter Account B retweeted the following message: “The best thing that happened to me is Islam. The best thing that happened to the Ummah is the Islamic State.” Based on my knowledge, training, and experience, and consultation with an Arabic linguist, “Ummah” is a reference to the global community of Muslims, and the “Islamic State” is a reference to ISIL.

d. On June 17, 2015, Twitter Account B retweeted the following message: “IS is winning battle of hearts and minds. People have started to realize that war is a necessity.” Based on my training and experience, I understand “IS” to be a reference to the Islamic State or ISIL.

12. During the same time period, one of the photographs associated with Twitter Account B was a photograph of a billboard. Based on my knowledge, training, and experience, and consultation with other law enforcement officers who investigate terrorism

crimes relating to Islamic extremism, the billboard is known to be an ISIL recruitment billboard in Iraq.

13. In an interview with law enforcement agents on August 2, 2015, further described below, SALEH stated, in sum and substance and in part, that he was the user of Twitter Account B. Records obtained from Twitter revealed that Twitter Account B was associated with an Internet Protocol (“IP”) address of 184.17.171.135 (“IP Address 1”). Records obtained from Frontier Communications revealed that IP Address 1 was associated with the customer name ALI SALEH, at a residence in Fort Wayne, Indiana.

14. On July 24, 2015, law enforcement agents observed ALI SALEH arrive at JFK. SALEH requested that a seat be held for him on Qatar Airways Flight Nos. 702 and 1305 from JFK to Cairo International Airport in Cairo, Egypt, via Doha, Qatar, departing later that evening; SALEH gave the email address “ali921812@hotmail.com”⁴ in connection with his request. Based on my knowledge, training, and experience, Egypt is a common transit point for travel to other locations in the Middle East.

15. A review of publicly available information on Twitter revealed that, on July 24, 2015, the same day that SALEH attempted to travel to Cairo, Egypt from JFK, Twitter Account B sent a message to another individual on Twitter associated with ISIL (“ISIL Facilitator 1”). At the time, ISIL Facilitator 1’s Twitter profile instructed followers to contact him via social media applications “for hijrah advice to IS in Libya ONLY.” Based on my knowledge, training, and experience, my interpretation of this directive is to instruct individuals who want to travel to Libya in order to join ISIL there to contact the accountholder via social

⁴ This is the same email address referenced supra in ¶ 7.

media applications. Based on my knowledge, training, and experience: “hijrah” is a reference to making a journey, and “IS” is a reference to ISIL; Egypt and Libya are bordering countries; and it is relatively easy and common for individuals to travel from Cairo, Egypt to Libya to join ISIL.

16. Later that day, SALEH approached the airline ticket counter at JFK, spoke with airline personnel, and then left the ticket line. At that time, SALEH spoke with Customs and Border Protection personnel and then other law enforcement agents approached SALEH in JFK and interviewed him. During the interview, SALEH stated, in sum and substance and in part, that: he had resided in Fort Wayne, Indiana for approximately six-to-seven months; he previously resided in Jamaica, New York; he intended to travel to Egypt, Saudi Arabia, and Yemen for vacation; and he did not have a return trip to the United States booked. After the interview, SALEH exited JFK.

17. SALEH did not board the Qatar Airways flight on which he had attempted to reserve a seat. Late in the evening on July 24, 2015, law enforcement agents observed SALEH arrive at Newark Liberty International Airport in Newark, New Jersey (“Liberty Airport”). SALEH approached airline personnel and inquired about flights to Cairo, Egypt. Early in the morning on July 25, 2015, SALEH exited Liberty Airport.

18. Later on July 25, 2015, law enforcement agents observed SALEH arrive at Newark Penn Station and board a train bound for Philadelphia, Pennsylvania, where he arrived early the next morning, July 26, 2015. SALEH then went to Philadelphia International Airport in Philadelphia, Pennsylvania (“Philadelphia Airport”), and approached the airline ticket counter, where he was again turned away. Law enforcement agents approached SALEH

in the airport and interviewed him. During the interview, SALEH stated, in sum and substance and in part, that: he was attempting to travel to Cairo, Egypt via Doha, Qatar aboard Qatar Airways for tourism purposes, then to Saudi Arabia for hajj, and then to Yemen to visit family; he intended to stay in Egypt for approximately ten days but had only made a hotel reservation for two or three nights; he intended to obtain a visa for Saudi Arabia but had not attempted to obtain that visa while he was in the United States; he had recently decided that he wanted to travel to Yemen and he had visited Yemen approximately seven months ago for approximately one month; and he was tired of America and had decided that it was time to leave.

19. SALEH further stated, in sum and substance and in part, that: his parents did not know that he was attempting to travel overseas and would have been upset with him had they known he was attempting to travel to Yemen. SALEH further stated, in sum and substance and in part, that: his family in Yemen was having difficulty with the Houthis; and he did not believe ISIL was present in Yemen but knew that al-Qaeda did have a presence. When the interviewing agents asked SALEH about his thoughts on ISIL, SALEH paused and did not answer for approximately two to three minutes; he then stated, in sum and substance and in part, that, "It's hard to figure out who's right and who's wrong," but that "the end did not justify the means" being utilized by ISIL. SALEH further stated, in sum and substance and in part, that he was unsure whether a caliphate was truly being established in Syria, commenting that it is hard to know what is right. After the interview, SALEH attempted to check in at Qatar Airways but was denied boarding. SALEH subsequently exited Philadelphia Airport.

20. SALEH subsequently travelled to Indianapolis International Airport in Indianapolis, Indiana. SALEH also subsequently travelled to Fort Wayne, Indiana, and stayed

at a hotel. Law enforcement agents approached SALEH at the hotel and interviewed him. During the interview, SALEH stated, in sum and substance and in part, that: he had resided in Fort Wayne, Indiana since approximately December 2014 and lived there with two co-workers; he is originally from Jamaica in Queens, New York; he had attempted to fly from JFK to Doha, Qatar on Qatar Airways on July 24 or 25, 2015 but was denied boarding; he had attempted to fly from Philadelphia Airport to Doha, Qatar on Qatar Airways on or about July 26, 2015 but was denied boarding; and he last visited Yemen in 2013. SALEH further stated, in sum and substance and in part, that: his true intention in attempting to travel to Yemen recently was to try and join a militia training camp where he could train in order to protect the Sunni people around the city of Yafa, Yemen; he knows generally that there are al-Qaeda elements in Yemen but he does not agree with them and would not join or conduct training with them; and he also would not consider going to other terrorist organizations such as ISIL. SALEH further stated, in sum and substance and in part, that he does not have a Twitter account; and that he talked to one individual outside the United States on a messaging application called Tumblr but has not spoken to that individual since. SALEH then became very quiet, looked down at the floor, and was not open to answering any further questions about any online or social media contacts with people outside the United States.

21. The next morning, July 30, 2015, law enforcement agents met with SALEH and interviewed him further. SALEH stated once again, in sum and substance and in part, that he wanted to fly to Yemen to join a local militia near Yafa and help his people in fighting against the Houthis, and that he would continue attempting to go to Yemen until he was arrested.

22. On August 2, 2015, law enforcement agents observed SALEH arrive at an Amtrak train station in Cleveland, Ohio. Law enforcement agents approached SALEH at the station and interviewed him. During the interview, SALEH stated, in sum and substance and in part, that: he was at the train station in order to take a train to Toronto, Canada, and he intended to attempt to fly from Toronto to Yemen to join a local militia but he had not yet bought any airline tickets. When confronted with a screenshot from Twitter Account B, SALEH admitted, in sum and substance and in part, that: he was the user of Twitter Account B; he last used Twitter Account B approximately two weeks earlier; he has had and continues to have multiple Twitter accounts in addition to Twitter Account B, most having similar “handles,” or usernames; he recently opened a new Twitter account with username “@_Hijras” (“Twitter Account C”); and he has spoken with multiple people associated with ISIL whom he met over Twitter. SALEH also stated, in sum and substance and in part, that he had accounts on other social media applications.

23. When confronted with a screenshot from Twitter Account B in which the user of Twitter Account B had reached out to ISIL Facilitator 1, SALEH admitted, in sum and substance and in part, that he reached out to ISIL Facilitator 1 on Twitter in the past couple of weeks but did not thereafter contact ISIL Facilitator 1 because he continued to feel Yemen was the best place for him to go, considering the security scrutiny applied to people going to ISIL in Syria. SALEH added, in sum and substance and in part, that he possibly could have reached out to ISIL Facilitator 1 later should he have changed his mind once in Egypt or elsewhere in the Middle East.

24. SALEH further stated, in sum and substance and in part, that while he had previously attempted to travel to Syria to join ISIL (see supra ¶ 9), he no longer wanted to travel to Syria because he did not think he would reach it due to all the scrutiny given by other countries to people attempting to travel to Syria. He added, in sum and substance and in part, that his recent attempt to fly to Cairo was for the purpose of going to Yemen to join a militia and fight against the Houthis, and that this was inspired in part by a “hadith” that says if you cannot go to “Sham” you should go to Yemen. Based on my knowledge, training, and experience, and consultation with other law enforcement officers who investigate terrorism crimes relating to Islamic extremism, “hadith” is a reference to a saying of Islam’s Prophet Muhammad and “Sham” is a reference to Syria. SALEH further stated, in sum and substance and in part, that: although he had decided to go to Yemen to fight against the Houthis, he still in his mind thinks the best place to support his ideology is with ISIL.

25. After the interview, and upon being informed that Canadian authorities would likely not allow him to enter Canada, SALEH changed his train ticket to travel from Cleveland to New York City the next day and exited the train station.

26. A review of records obtained from Twitter revealed that, after SALEH’s August 2, 2015 interview with law enforcement agents, the username of the Twitter account that SALEH had told law enforcement agents about -- Twitter Account C -- changed from “@_Hijras” to “@_abu_nuh2” (“Twitter Account D”). Twitter Account D began posting public messages on August 3, 2015. The messages included tweets and retweets supportive of ISIL and expressing an intent to join ISIL. For example, on August 5, 2015, Twitter Account D retweeted an audio message entitled, “Come and join the Caliphate.”

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant ALI SALEH, so that he be dealt with according to law. I further request that this affidavit and the arrest warrant be filed under seal as disclosure of this application would give the target of the investigation an opportunity to destroy evidence, harm or threaten victims or other witnesses, change patterns of behavior, notify confederates, and flee from or evade prosecution.



BRET C. LUHMANN
Special Agent, Federal Bureau of Investigation

Sworn to before me this
16 th day of September, 2015

THE HONORABLE ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK